GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Misappropriation of municipal funds in Pithapuram Municipality - Disciplinary action initiated against Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipaity under Rule 9 of A.P.Revised Pension Rules, read with Rule 20 of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 on the allegations that the charged officer failed to verify the drawal of the self cheques along with connected vouchers and registers, caused misappropriation of municipal funds during the period from 16.03.2012 to 09.07.2013 in Pithapuram Municipality - Imposition of penalty of 5% cut in pension permanently against the charged officer Sri G.Venugopala Swamy, the then Manager (Retd.), Pithapuram Municipality, besides recovery of any amount due to the Municipality during his tenure, in accordance with clause 4(d) of Article 300 of A.P.Financial Code, inserted vide G.O.Ms.No.33, Finance (TFR.I) Dept., dated 09.02.2006 - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.MS.No. 127 **Dated: 15-03-2019**

Read the following:-

1. Proceedings in Roc.No.7368/2014/C1, dated 06.02.2016 of the Director of Municipal Administration, A.P., Hyderabad.
2. From the Hon'ble APAT., Hyderabad, Orders dated 14.03.2016 in O.A.No.516 of 2016 filed by Sri G.Venu Gopala Swamy, the then Manager of Pithapuram Municipality.
3. Proceedings in Roc.No.7368/2014/C1, dated 22.03.2016 of the Director of Municipal Administration, A.P., Hyderabad.
4. Charge Memo in Roc.No.7368/2014/C1, dated 31.05.2016 of the Director of Municipal Administration, A.P., Hyderabad.
5. From Sri G.Venu Gopala Swamy, the then Manager, Pithapuram Municipality, written statement of defence, dated 14.06.2016.
6. Proceedings in Roc.No.7368/2014/C1-1, dated 12.11.2016 of the Director of Municipal Administration, A.P., Guntur.
7. From Sri T.Sakala Reddy, Regional Director-cum-Appellate Commissioner of Municipal Administration & Enquiry Officer, Rajamahendravaram, letter Roc.No.707/2016/A3, dated 05.10.2017.
8. Govt. Memo. No.962676/Vig.I(2)/2018, dated 02.02.2018 of M.A. & U.D. (Vig.I) Department.
9. From Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality, written representation, dated 27.02.2018.
10. Govt. Memo. No.962676/Vig.I(2)/2018, dated 20.09.2018 of M.A. & U.D. (Vig.I) Department.
11. From Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality, written representation, dated 22.11.2018.
12. Govt. Letter No.962676/Vig.I(2)/2018, dated 15.02.2019 of M.A. & U.D. (Vig.I) Department.
13. From the Secretary, A.P.Public Service Commission, letter No.191/ DC&C/2019, dated 01.03.2019.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the Director of Municipal Administration, A.P., Hyderabad that, Sri G.Venu Gopala Swamy, the then Manager, Pithapuram Municipality was failed to verify the drawal of the self cheques along with connected vouchers and registers and thereby failed to discharge his legitimate duties in supervising the activities of his subordinate officers of Pithapuram Municipality and caused misappropriation of municipal funds during the period from 16.03.2012 to 09.07.2013. Accordingly, in the reference 1st read above, the Director of Municipal Administration, A.P., Hyderabad has issued orders, placing Sri G.Venu Gopala Swamy, the then Manager, Pithapuram Municipality under suspension from the date of communication of the order, under Rule 8(1) of APCS (CC&A) Rules, 1991.

(P.T.O.)

2. Aggrieved by the suspension orders, Sri G.Venu Gopala Swamy, the then Manager (U/s), Pithapuram Municipality has filed an O.A.No.516 of 2016 before the Hon'ble APAT., Hyderabad. In the reference 2nd read above, while allowing the O.A., the Hon'ble APAT., in its Orders dated 14.03.2016 in O.A.No.516 of 2016 directed the respondents to reinstate the individual into service forthwith.

3. And whereas, in the reference 3rd read above, the Director of Municipal Administration, A.P., Hyderabad has issued orders, reinstating Sri G.Venu Gopala Swamy, the then Manager (U/s) into service, pending disciplinary proceedings against him.

4. And whereas, in the reference 4th read above, the Director of Municipal Administration, A.P., Hyderabad has initiated departmental action against Sri G.Venu Gopala Swamy, the then Manager, Pithapuram Municipality, by issuing Articles of Charges against him under Rule 20 of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

5. In the reference 5th read above, the charged officer Sri G.Venu Gopala Swamy, the then Manager has submitted his written statement of defence, denying the charges framed against him and requested to drop further action against him on humanitarian grounds.

6. In the reference 6th read above, the Director of Municipal Administration, A.P., Guntur has issued orders, appointing Sri T.Sakala Reddy, Regional Director-cum-Appellate Commissioner of Municipal Administration, Rajamahendravaram as Enquiry Officer to inquire into the charges framed against Sri G.Venu Gopala Swamy, the then Manager of Pithapuram Municipality. Further, the Municipal Commissioner, Pithapuram Municipality was appointed as Presenting Officer to present the case before the Enquiry Officer on behalf of the Disciplinary Authority, vide Proc. Roc.No.7368/2014/C1-2, dated 24.07.2016 of the Director of Municipal Administration, A.P., Guntur.

7. In the reference 7th read above, the Regional Director-cum-Appellate Commissioner of Municipal Administration & Enquiry Officer, Rajamahendravaram has submitted his Enquiry Report stating that the charges framed against the charged officer Sri G.Venu Gopala Swamy, the then Manager, Pithapuram Municipality were held proved in the enquiry.

8. Accordingly, in the reference 8th read above, while communicating a copy of the Enquiry Report, the charged officer Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality was directed to submit his written representation if any, on the findings of Enquiry Officer, under Rule 21 (2) of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

9. In the reference 9th read above, the charged officer Sri G.Venu Gopala Swamy, the then Manager (Retd.) has submitted his written representation and requested to drop further action against him.

10. The written representation of the charged officer has been examined in detail and the same was not convincing, a provisional decision has been taken to impose a penalty of 5% cut in pension permanently against him, besides recovery of any amount due to the Municipality during his tenure. Accordingly, in the reference 10th read above, a Show Cause Notice was issued to the charged officer Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality under Rule 9 of A.P.Revised Pension Rules, 1980 and directed him to submit his written representation if any, on the proposed punishment.

Contnd…3.

11. In the reference 11th read above, the charged officer Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality in his written representation has stated among other things and informed that, there is no guilty on his part and the proposed punishment is injustice and it is very hard for his livelihood in his retired life. He has therefore, requested to consider the issue on humanitarian grounds and drop further action against him.

12. As no new grounds put-forth by the charged officer in his written representation, it has been provisionally decided to impose a penalty of 5% cut in pension permanently against the charged officer Sri G.Venu Gopala Swamy, the then Manager (Retd.), Pithapuram Municipality, besides recovery of any amount due to the Municipality during his tenure, in terms of Rule 9 of A.P.Revised Pension Rules, 1980 and in the reference 12th read above, the Secretary, A.P.Public Service Commission was requested to convey the concurrence of the Commission on the Government's Proposal.

13. In the reference 13rd read above, the Secretary, A.P.Public Service Commission has informed that the Commission agreed with the proposal of the Government to impose a penalty of 5% cut in pension permanently besides recovery of any amount due to the Municipality during his tenure against Sri G.Venugopala Swamy, the then Manager (Retd.), Pithapuram Municipality and "to recover the amount if any in accordance with clause 4(d) of Article 300 of A.P.Financial Code", inserted vide G.O.Ms.No.33, Finance (TFR.I) Dept., dated 09.02.2006.

14. Government have examined the entire matter carefully and decided to impose a penalty of 5% cut in pension permanently against the charged officer Sri G.Venugopala Swamy, the then Manager (Retd.), Pithapuram Municipality, besides recovery of any amount due to the Municipality during his tenure, in accordance with clause 4(d) of Article 300 of A.P.Financial Code, inserted vide G.O.Ms.No.33, Finance (TFR.I) Dept., dated 09.02.2006. Accordingly, Government hereby order to impose a penalty of 5% cut in pension permanently against the charged officer Sri G.Venugopala Swamy, the then Manager (Retd.), Pithapuram Municipality, besides recovery of any amount due to the Municipality during his tenure, in accordance with clause 4(d) of Article 300 of A.P.Financial Code, inserted vide G.O.Ms.No.33, Finance (TFR.I) Dept., dated 09.02.2006, as the Charges framed against him, were held proved in the enquiry.

15. The Director of Municipal Administration, A.P., Guntur shall take further necessary action in the matter, accordingly.

16. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Venugopala Swamy, the then Manager (Retd.), Pithapuram Municipality
through the Director of Municipal Administration, A.P., Guntur.
The Director of Municipal Administration, A.P., Guntur.

Copy to:

The Secretary, A.P.Public Service Commission.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Municipal Commissioner, Pithapuram Municipality.
The Secretary to A.P. Vigilance Commission, 5th Building, A.P. Secretariat.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER